



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

March 16, 2021

NOTICE OF NON-COMPLIANCE
URGENT LEGAL MATTER – PROMPT REPLY NECESSARY
VIA E-MAIL TO: (b)(6)

S. Jasper Taylor, IV

(b)(6)

Re: Notice of Non-Compliance
Alamo Contaminated Groundwater Site, Alamo, Crockett County, Tennessee

Dear Mr. Taylor:

As discussed during our teleconference on March 10, 2021, the purpose of this letter is to provide notice to your client, (b)(6), of (b)(6) non-compliance with the U.S. Environmental Protection Agency's Information Request dated January 7, 2021 (Information Request) and request a complete response in order to bring your client into compliance.

NOTICE OF NON-COMPLIANCE

As you are aware, (b)(6) complete response to the Information Request was due within 14 calendar days from the date of your receipt of the Information Request. The EPA e-mailed you the Information Request on January 7, 2021, and your office acknowledged receipt of the Information Request on January 12, 2021. Accordingly, (b)(6) response to the Information Request was due no later than January 26, 2021. Your client submitted an incomplete response on January 21, 2021.

The EPA requests that (b)(6) provide a complete response to the EPA's Information Request, as detailed below, within **14 calendar days** from the date of your receipt of this letter. Specifically, the EPA requests that your client provide the following information for (b)(6) responses to be deemed compliant, as set forth below:

Question #12 To determine your financial ability to pay, complete the Individual Financial Data Questionnaire attached hereto and provide copies of your federal and state tax returns, including schedules and attachments, for the preceding five years (2015 to 2019).

Question #12 requests that your client complete the Individual Financial Data Questionnaire, provide supporting documentation, and provide copies of (b)(6) federal and state tax returns, including schedules and attachments, for the preceding five years (2015 to 2019). Your client did not provide the requested information and documentation. The EPA requests that your client complete the Individual Financial Data Questionnaire and provide the requested documents.

Please submit your client's complete response to me by e-mail at montanez.yeliann@epa.gov and by e-mail to Melissa Waters, Enforcement Project Manager, at waters.melissa@epa.gov within **14 calendar days** from the date of your receipt of this letter. Your client's response should be contemporaneously submitted by mail to me at U.S. EPA Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303.

Your client's failure to respond or adequately justify their failure to respond, can result in enforcement action by the EPA against your client pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e). This statute permits the EPA to seek the imposition of penalties of up to \$59,017.00 for each day of continued non-compliance. Please be further advised that the submission of false, fictitious, or fraudulent statements or representations to the Information Request may subject your client to criminal penalties under 18 U.S.C. § 1001.

Due to the seriousness of the problem at the Site and the legal ramifications of your client's failure to respond timely and properly, the EPA strongly encourages your client to give this matter immediate attention and respond to this letter within the time specified above. Should the deadline in this letter prove difficult to meet in light of COVID-19 situation, however, please contact the EPA so that we might consider accommodations as necessary. If you should have any legal questions, please contact me at (404) 562-9522.

Your assistance and cooperation are greatly appreciated.

Sincerely,

YELIANN
MONTANEZ

Digitally signed by
YELIANN MONTANEZ
Date: 2021.03.16
07:31:57 -04'00'

Yeliann Montanez
Associate Regional Counsel

Enclosure:

A. Individual Financial Data Questionnaire



Individual Ability To Pay Claim Financial Data Request Form

This form requests information regarding your financial status. The data will be used to evaluate your ability to pay for environmental cleanup or penalties. If you need more space for your answers, please attach additional sheets of paper. Note that further documentation may be requested for any of your responses. Any other information you wish to provide supporting your case is welcome, particularly if you feel your situation is not adequately described through the information requested here.

Name:	
Spouse's Name:	
Address:	
County of Residence:	

PART I. BACKGROUND INFORMATION

1. MEMBERS OF HOUSEHOLD (List the head of the household and all persons living with you)			
Name	Age	Relationship to Head of Household	Currently Employed?

2. EMPLOYMENT (List all jobs held by applicant and spouse.)			
Name	Employer	Length of Employment	Annual Salary

3. INCOME (List all income earned by persons in household. If members of the household other than the applicant and spouse earn income, please itemize on separate page.)

Source	Gross (Pre-Tax)		Period of Payment (check one)			
	Applicant	Spouse	Weekly	Monthly	Quarterly	Yearly
Wages/Salaries						
Sales Commissions						
Investment Income (interest, dividends, capital gains, etc.)						
Net Business Income						
Rental Income						
Retirement Income (Pension, Social Security, etc.)						
Child Support						
Alimony						
Other Income (please itemize)						

PART II. CURRENT LIVING EXPENSES

Please list personal living expenses which were typical during the last year and indicate if any of these values are likely to change significantly in the current year. Please do not include business expenses. If you are the owner of an operating business, please attach any available financial statements.

Expense	Amount	Period of Payment (check one)				For Agency Use Only
		Weekly	Monthly	Quarterly	Yearly	
A. Living Expenses						
1. Rent						
2. Home maintenance						
3. Auto fuel maint./other transp. other transportation						
4. Utilities						
a. Fuel (gas,oil,wood,propane)						
b. Electric						
c. Water/sewer						
d. Telephone						
5. Food						
6. Clothing, personal care						
7. Medical costs						
B. Debt Payments						
1. Mortgage payments						
2. Car payments						
3. Credit card payments						
4. Educational loan payments						
C. Insurance						
1. Household insurance						
2. Life insurance						
3. Automobile insurance						
4. Medical insurance						
D. Taxes						
1. Property taxes						
2. Federal income taxes						
3. State income taxes						
4. FICA						
E. Other Expenses						
1. Childcare						
2. Current School tuition/expenses						
3. Legal or professional services						
4. Other (itemize on separate page)						
Total Current Expenses						

PART III. NET WORTH

Please provide the following information to the best of your ability. Data should be as current as possible. Estimates are acceptable; if you wish note such items with an "E". If you are the sole proprietor of a business, please list business assets and liabilities to the extent that the information sought is not already provided in your tax returns, in addition to personal assets and liabilities. Please mark these entries with a "B" to identify them as business assets and liabilities.

1. BANK ACCOUNTS (Checking, NOW, Savings, Money Market, CDs etc.)		
Name of Bank or Credit Union	Type of Account	Current Balance
For Agency Use Only - Total Current Balance in Bank Accounts		

2. INVESTMENTS (Stock, Bonds, Mutual Funds, Options, Futures, Real Estate Investment Trusts (REIT), etc.)		
Investment	Number of Shares or Units	Current Market Value
For Agency Use Only - Total Current Market Value of Investments		

3. RETIREMENT FUNDS AND ACCOUNTS (IRA, 401(k), Keogh, vested interest in company retirement fund, etc.)

Description of Account	Estimated Market Value
For Agency Use Only - Total Estimated Market Value of Retirement Funds and Accounts	

4. LIFE INSURANCE POLICIES (Whole Life, Universal Life, etc.)

Policy Holder	Issuing Company	Policy Value	Cash Value
For Agency Use Only - Total Value of Life Insurance Policies			

5a. VEHICLES USED FOR COMMUTING PURPOSES

(Cars, Trucks, Motorcycles, etc. Only list up to two vehicles used for commuting purposes.)

Model/Year	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date
For Agency Use Only - Total Estimated Market Value of Vehicles					

5b. OTHER VEHICLES (Cars, Trucks, Motorcycles, Recreational Vehicles, Motor Homes, Boats, Airplanes etc.) Attach separate sheets, if necessary.

Model/Year	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date
For Agency Use Only - Total Estimated Market Value of Vehicles					

6. PERSONAL PROPERTY (Household Goods and Furniture, Jewelry, Art, Antiques, Collections, Precious Metals, etc. Only list items with a value greater than \$500.00)

Type of Property	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Personal Property

7a. REAL ESTATE — PRIMARY RESIDENCE (Home — List only one such residence.)

Location & Description of Property	Estimated Market Value	Mortgage (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Real Estate

7b. OTHER REAL ESTATE (Land, Buildings, Land with Buildings)

Location & Description of Property	Estimated Market Value	Mortgage (if any) Owed to:	Balance Due:	Start Date	End Date

For Agency Use Only - Total Estimated Market Value of Real Estate

8. OTHER ASSETS					
Type of Asset	Estimated Market Value	Loan (if any) Owed to:	Balance Due:	Start Date	End Date
For Agency Use Only - Total Other Assets					

9. CREDIT CARDS AND LINES OF CREDIT		
Credit Card/Line of Credit (Type)	Owed To	Balance Due
For Agency Use Only - Total Balance Due on Credit Cards and Lines of Credit		

10. OTHER DEBT (Amounts due to individuals, Fixed obligations, Taxes Owed, Overdue Alimony or Child Support, etc.)				
Type of Debt	Owed To	Balance Due	Start Date	End Date
For Agency Use Only - Total Balance Due on Other Debt				

PART IV. ADDITIONAL INFORMATION

Please respond to the following questions. For any question that you answer "Yes," please provide additional information on separate pages or at the bottom of this page.

QUESTION		YES	NO
1.	Do you have any reason to believe that your financial situation will change during the next year?		
2.	Are you currently selling or purchasing any real estate?		
3.	Is anyone (or any entity) holding real or personal property on your behalf (e.g. a trust)?		
4.	Do you hold partnership interest in a partnership or own/share ownership in a corporation?		
5.	Are you a party in any pending lawsuit?		
6.	Have any of your belongings been repossessed in the last three years?		
7.	Are you a Grantor, Trustee, Executor, or Administrator? If you are a Grantor, submit copy of trust as well the attachments & schedules.		
8.	Are you a participant or beneficiary of an estate or profit sharing plan?		
9.	Have you declared bankruptcy in the last seven years?		
10.	Do you receive any type of federal aid or public assistance?		

VERIFICATION AND AFFIDAVIT

Under penalties of perjury, I declare that this statement of assets, liabilities, and other information is true, correct, and complete to the best of my knowledge and belief. I further understand that I will be subject to prosecution by the U.S. Environmental Protection Agency to the fullest extent possible under the law should I provide any information that is not true, correct, and complete to the best of my knowledge.

Date: _____

Name

Signature